

Section-by-Section Summary of the Violence Against Women Act of 2005

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. Universal Definitions and Grant Conditions – This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant programs.

Title I: Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women

Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements – This section reauthorizes the cornerstone of the Act, the STOP program, at \$225,000,000 annually for 2006 through 2010 (it is currently authorized at \$185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for racial and ethnic minorities and ensure victim confidentiality.

Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements – This fundamental Department of Justice program is reauthorized at \$75,000,000 annually for 2006 through 2010 (it is currently authorized at \$65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Sec. 103. Legal Assistance for Victims Improvement – This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at \$40,000,000 annually, funding is set at \$65,000,000 annually for 2006 through 2010, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations that receive funding from the Legal Services Corporation (LSC) can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive – LSC, VAWA, foundation, faith-based – to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical

to promoting victim safety.

Sec. 104. The Violence Against Women Act Court Improvements – This section creates a new program to educate the courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. The goal of this education will be to improve internal civil and criminal court functions, responses, practices and procedures, including the development of dedicated domestic violence dockets. This section will also authorize one or more grants to create general educational curricula for state and tribal judiciaries to ensure that all states have access to consistent and appropriate information. This section is authorized at \$5,000,000 for each fiscal year 2006 through 2010 and it is administered by the Department of Justice.

Sec. 105. Full Faith and Credit Improvements – Technical amendments are made to the criminal code to clarify that courts should enforce the protection orders issued by civil and criminal courts in other jurisdictions. Orders to be enforced include those issued to both adult and youth victims, including the custody and child support provisions of protection orders. Amendment also requires protection order registries to safeguard the confidentiality and privacy of victims.

Section 106. Privacy Protections For Victims Of Domestic Violence, Sexual Violence, Stalking, And Dating Violence – This section creates new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop “best practices” for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes \$5,000,000 per year for 2006 through 2010 to be administered by the Department of Justice.

Section 107. Sex Offender Training – Under this section, the Attorney General will consult with victim advocates and experts in the area of sex offender training. The Attorney General will develop criteria and training programs to assist probation officers, parole officers, and others who work with released sex offenders. This section reauthorizes the program at \$3,000,000 annually for 2006 through 2010.

Sec. 108. National Stalker Database and Domestic Violence Reduction – Under this section, the Attorney General may issue grants to states and units of local governments to improve data entry into local, state, and national crime information databases for cases of stalking and domestic violence. This section reauthorizes the program at \$3,000,000 annually for 2006 through 2010.

Sec. 109. Federal Victim Assistants – This section authorizes funding for U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases. This section is reauthorized for \$1,000,000 annually for 2006 through 2010.

Sec. 110. Grants for Law Enforcement Training Programs. This section would authorize

a Department of Justice grant program to help train State and local law enforcement to identify and protect trafficking victims, to investigate and prosecute trafficking cases and to develop State and local laws to prohibit acts of trafficking. It proposes \$10,000,000 in grants annually from 2006 to 2010.

Sec. 111. Reauthorization of the Court-Appointed Special Advocate Program - This section reauthorizes the widely-used Court-Appointed Special Advocate Program (CASA). CASA is a nationwide volunteer program that helps represent children who are in the family and/or juvenile justice system due to neglect or abuse. This provision also allows the program to request the FBI conduct background checks of prospective volunteers. This program is reauthorized at \$17,000,000 annually for 2006 through 2010.

Sec. 112. Preventing Cyberstalking - To strengthen stalking prosecution tools, this section amends the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Sec. 113. Updating the Federal Stalking Law - Section 113 improves the existing federal stalking law by borrowing state stalking law language to (1) criminalize stalking surveillance (this would include surveillance by new technology devices such as Global Positioning Systems (GPS)); and (2) to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order.

Sec. 114. Repeat Offender Provision - This section updates the criminal code to permit doubling the applicable penalty for repeat federal domestic violence offender – a sentencing consequence already permissible for repeat federal sexual assault offenders.

Sec. 115. Prohibiting Dating Violence - Utilizing the Act's existing definition of dating violence, section 115 amends the federal interstate domestic violence prohibition to include interstate dating violence.

Sec. 116. Prohibiting Violence in Special Maritime and Territorial Jurisdiction – This section tightens the interstate domestic violence criminal provision to include special maritime and territories within the scope of federal jurisdiction.

Title II. Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Sec. 201. Findings

Sec. 202. Sexual Assault Services Provision – This section creates a separate and direct funding stream dedicated to sexual assault services. Currently, the Act funds rape prevention programs, but does not provide sufficient resources for direct services dedicated solely to sexual assault victims, primarily rape crisis centers. Under this new program funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult,

youth and child sexual assault victims and their family and household members, including intervention, advocacy, accompaniment in medical, criminal justice, and social support systems, support services, and related assistance. Funding is also provided for training and technical assistance. This section authorizes \$50,000,000 annually for 2006-2010.

Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program — This section reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes \$55,000 annually for 2006 through 2010 (it is currently authorized at \$40 million a year).

Sec. 204. Education, Training and Enhanced Services to End Violence Against Women with Disabilities - This section reauthorizes and expands the existing education, training and services grant programs that address violence against women with disabilities. New purpose areas include construction and personnel costs for shelters to better serve victims with disabilities, the development of collaborative partnerships between victim service organizations and organizations serving individuals with disabilities and the development of model programs that situate advocacy and intervention services for victims within organizations serving individuals with disabilities. The program is authorized at \$10,000,000 for each fiscal year 2006 through 2010.

Sec. 206. Education, Training and Services to End Violence Against and Abuse of Women Later in Life – This section reauthorizes and expands the existing education, training and services grant programs that address violence against elderly women. Grants will be distributed by the Department of Justice to States, local government, nonprofit and nongovernmental organizations for providing training and services for domestic violence, dating violence, sexual assault and stalking victims age 60 and older. The program is authorized at \$10,000,000 annually for 2006 through 2010.

Sec. 206. Strengthening the National Domestic Violence Hotline – Section 206 increases the annual authorization to \$5,000,000 annually for the National Domestic Violence Hotline, and expands the purpose area to allow the Hotline to upgrade its infrastructure and train its personnel to use new technology provided through an existing private/public partnership.

Title III. Services, Protection and Justice for Young Victims of Violence

Sec. 301. Findings

Sec. 302. Rape Prevention and Education – This section reauthorizes the Rape Prevention and Education Program. It appropriates \$80,000,000 annually (its current authorization level) for 2006 through 2010. Of the total funds made available under this subsection in each fiscal

year, a minimum of \$1,500,000 will be allotted to the National Sexual Violence Resource Center.

Sec. 303. Services, Education, Protection and Justice for Young Victims of Violence –

This section establishes a new subtitle that would create four new grant programs designed to address dating violence committed by and against youth.

(1) The Services to Advocate for and Respond to Teens program authorizes grants to nonprofit, nongovernmental and community based organizations that provide services to teens and young adult victims of domestic violence, dating violence, sexual assault or stalking. This section is authorized for \$15,000,000 annually for 2006 through 2010 and will be administered by the Department of Health and Human Services.

(2) The Access to Justice for Teens program is a demonstration grant program to promote collaboration between courts (including tribal courts), domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies. The purposes of the collaborative projects are to identify and respond to domestic violence, dating violence, sexual assault and stalking committed by or against teens; to recognize the need to hold the perpetrators accountable; to establish and implement procedures to protect teens; and to increase cooperation among community organizations. This section is authorized at \$5,000,000 annually for 2006 through 2010 to be administered by Department of Justice.

(3) The third program established under Sec. 303 is the Grants for Training and Collaboration on the Intersection between Domestic Violence and Child Maltreatment program. It provides grants to child welfare agencies, courts, domestic or dating violence service providers, law enforcement and other related community organizations. Grant recipients are to develop collaborative responses, services and cross-training to enhance responses to families where there is both child abuse and neglect and domestic violence or dating violence. This section authorized at \$5,000,000 annually 2006 through 2010 to be administered by the Department of Justice.

Sec. 304. Reauthorization of Grants to Reduce Violence Against Women on Campus –

This section reauthorizes and amends the existing campus program to a three-year grant cycle, provides more money and sets parameters for training of campus law enforcement and campus judicial boards. This section is authorized at \$15,000,000 annually for 2006 through 2010 (it is currently authorized at \$10 million).

Sec. 305. Juvenile Justice – The overwhelming majority of girls entering the juvenile justice system are victims of abuse and violence, and the system must provide adequate services that are tailored to girls' gender-specific needs and to their experiences of abuse. These provisions amend the Juvenile Justice and Delinquency Prevention Act to permit existing funds for the provision of such services, and to prevent disparate treatment of girls in the system.

Sec. 306. Safe Havens for Children – This section continues and expands a pilot Justice Department grant program aimed at reducing domestic violence and child abuse during parental visitation or the transfer of children for visitation by expanding the availability of supervised visitation centers. It reauthorizes the program for \$20,000,000 annually for 2006 through 2010.

Title IV. Strengthening America's Families by Preventing Violence Against Women and Children

Sec. 41401. Findings.

Sec. 41402. Purposes.

Sec. 41403. Grants to Assist Children and Youth Exposed to Violence. This section authorizes new, collaborative programs, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, to provide services for children who have been exposed to domestic violence, dating violence, sexual assault or stalking for the purpose of mitigating the effects of such violence. Programs authorized under this section include both direct services for children and their non-abusing parent or caretaker, and training/coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs). It is authorized at \$20,000,000 annually from 2006 through 2010.

Sec. 41404. Development of Curricula and Pilot Programs for Home Visitation Projects. This section authorizes the development of curricula and pilot programs for home visitation projects. Home visitation services are offered in many states and on some military bases to provide assistance to new parents or families in crisis. Home visitation services, in addition to providing assistance to the parents, look for signs of child abuse or neglect in the home. This provision, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, creates model training curricula and provides home visitation services to help families to develop strong parenting skills and ensure the safety of all family members. The program is authorized at \$7,000 per year for 2006-2010.

Sec. 41405. Engaging Men and Youth in Preventing Domestic Violence, Dating Violence, Sexual Assault and Stalking. This provision is designed to engage men, youth, and children in preventing domestic violence, dating violence, sexual assault, and stalking. It authorizes the development, testing and implementation of programs to help youth and children develop respectful, non-violent relationships. The grant is administered by the Office on Violence Against Women at the Department of Justice in collaboration with the Department of Health and Human Services, and eligible entities include community-based youth service organizations and state and local governmental entities. It is authorized at \$10,000,000 annually for 2006 through 2010.

Sec. 402. Study Conducted by the Centers for Disease Control and Prevention. This last provision authorizes \$2 million to the Centers for Disease Control to study the best practices for reducing and preventing violence against women and children and an evaluation of programs funded under this Title.

Title V: Strengthening the Health Care System's Response To Domestic Violence, Dating Violence, Sexual Assault and Stalking

Sec. 501. Findings.**Sec. 502. Purposes.**

Sec. 503: Training and Education of Health Professionals. This section provides new grants to train health care providers and students in health professional schools on recognizing and appropriately responding to domestic and sexual violence. The provision authorizes \$3,000,000 each year from 2006 through 2010 to be administered by the Department of Health and Human Services.

Sec. 504: Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault and Stalking. Section 504 provides grants for statewide and local collaborations between domestic and sexual violence services providers and health care providers including state hospitals and public health departments. These programs would provide training and education to health care providers and would develop policies and procedures that enhance screening of women for exposure to domestic and sexual violence, and encourage proper identification, documentation and referral for services when appropriate. This section is authorized at \$5,000,000 annually from 2006 through 2010.

Section 506: Research on Effective Interventions in the Health Care Setting to Address Domestic Violence. Includes funding for the Centers for Disease Control and Prevention and Administration for Healthcare Research and Quality to evaluate effective interventions within the health care setting to improve abused women's health and safety and prevent further victimization. This section is authorized at \$5,000,000 annually from 2006 through 2010.

Title VI. Housing Opportunities and Safety for Battered Women and Children

Sec. 601. Amends the Violence Against Women Act to include a title addressing housing needs of victims of domestic violence, dating violence, sexual assault and stalking.

Sec. 41401. Findings.**Sec. 41402. Purposes.****Sec. 41403. Definitions.**

Sec. 41404. Collaborative Grants to Develop Long-Term Housing for Victims. Modeled after successful affordable housing, community development, and "housing first" programs across the nation, this section would provide \$10,000,000 for the Department of Health and Human Services (HHS) to fund collaborative efforts to: place domestic violence survivors into long-term housing as soon as reasonable and safe; provide services to help individuals or families find long-term housing; provide financial assistance to attain long-term housing (including funds for security deposits, first month's rent, utilities, down payments, short-term rental assistance); provide services to help individuals or families remain housed (including advocacy, transportation, child care, financial assistance, counseling, case management, and other supportive services); and purchase, build, renovate, repair, convert and operate affordable housing units.

Sec. 41405. Grants to Combat Violence Against Women in Public and Assisted Housing. This section establishes grants to assist public and Indian housing authorities,

landlords, property management companies and other housing providers and agencies in responding appropriately to domestic and sexual violence. Grants would provide education and training, development of policies and practices, enhancement of collaboration with victim organizations, protection of victims residing in public, Indian and assisted housing, and reduction of evictions and denial of housing to victims for crimes and lease violations committed or directly caused by the perpetrators of violence against them. The program is authorized at \$10,000,000 and will be administered by the Office on Violence Against Women in the Department of Justice.

Sec. 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. Section 602 amends the existing transitional housing program created by the PROTECT Act and administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by HUD transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for the grant from \$30,000,000 to \$40,000,000.

Sec. 603. Public and Indian Housing Authority Plans Reporting Requirement.

Sec. 604. Housing Strategies.

Sections 603 and 604 amend the Housing and Urban Development (HUD) Agency reporting requirements imposed on public housing applicants. Pursuant to the amendment, HUD applicants must include any plans to address domestic violence, dating violence, sexual assault and stalking in their application.

Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act. This provision amends the Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act to protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking seeking housing assistance. It requires that grantees and subgrantees of HUD funding reasonably protect the identity of victims by refraining from disclosing personally identifying information. This section would also prevent the Secretary from requiring a grantee to disclose the identity of a client if the grantee reasonably believes that client is the victims of domestic violence, dating violence, sexual assault, or stalking.

Sec. 606. Amendments to the Low Income Housing Assistance Voucher Program.

Sec. 607. Amendments to the Public Housing Program.

Sections 606 and 607 amend the Low Income Housing Assistance Voucher program (also known as the Section 8 or Housing Choice Voucher program) and the Public Housing program to state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority. It also states that incidents of domestic violence, dating violence and stalking shall not be good cause for terminating a lease held by the victim.

Title VII – Providing Economic Security for Victims of Violence

Sec. 41501. Findings.

Sec. 41502. Purposes.**Sec. 41503. Definitions.**

Sec. 41504. Entitlement to Emergency Leave for Addressing Domestic or Sexual Violence. This provision would permit eligible employees to take up to 10 days of unpaid leave in a 12-month period (concurrently, intermittently or on a reduced leave schedule) to address domestic violence, dating violence, sexual assault or stalking. Under this section, leave is permitted in order to: seek medical or psychological attention; obtain emergency housing; or seek legal or law enforcement assistance. Because the type of leave needed can differ significantly from leave covered by the Family and Medical Leave Act -- and often will be non-medical -- these provisions do not amend the Family and Medical Leave Act (FMLA) in any way; however, the notice and certification requirements are very similar to those required under the FMLA. Violators will be subject to civil action for monetary damages, such as wages, salary, employment benefits, public assistance or other actual monetary losses sustained by the individual as a direct result of the violation, as well as appropriate equitable relief, such as job reinstatement.

Sec. 41505. Existing Leave Usable for Addressing Domestic or Sexual Violence. This provision provides that eligible employees may substitute ordinary paid or unpaid leave with the leave provided in section 41604 described above.

Sec. 41507. Emergency Benefits. Section 41706 permits states to use Temporary Assistance to Needy Families (TANF) dollars to provide nonrecurring short-term emergency benefits to an individual for the duration of the leave described in Section 41704.

Sec. 41508. Effect on Other Laws and Employment Benefits.**Sec. 41608. Regulations and Notification.**

Sec. 702. National Clearinghouse on Domestic and Sexual Violence in the Workplace Grant. This provision authorizes the Attorney General to award a grant to a private non-profit entity or tribal organization for the establishment and operation of a national clearinghouse and resource center to provide information and assistance to employers, labor organizations, and advocates to aid victims of domestic violence, dating violence, sexual assault, and stalking. \$1,000,000 dollars would be appropriated for fiscal years 2006 through 2010 to support these activities.

Title VIII – Protection of Battered and Trafficked Immigrant Women

Sec. 801. Treatment of Spouse and Children of Victims. For some trafficking victims, providing assistance in the investigation or prosecution of the trafficking case can endanger or traumatize the victim or her family members. This section allows victims to seek a T visa if they can provide credible evidence of a physical or psychological trauma which prevents them from providing assistance. The ability to ensure safety of family members living abroad is crucial to trafficking victims' or crime victims' well being and ability to effectively assist in prosecutions. This section also allows T and U visa holders' spouse, children, parents, and unmarried siblings under 18 to join them in the United States. The crimes of child abuse and stalking are added to the list of crimes for which a cooperating victim can receive a U visa.

This section also clarifies the aggravated felony definition thereby ensuring that misdemeanor convictions do not bar non-citizens from immigration relief, including VAWA- related immigration benefits.

Sec. 802. Permitted Presence of Victims of Severe Trafficking. This section permits trafficking victims' unlawful presence in the United States only if there is a connection between the presence and the trafficking. The limited exception to the unlawful presence provision is identical to that afforded to non-citizen survivors of domestic abuse.

Sec. 803. Adjustment of Status for Victims of Trafficking. This section removes the current 3 year wait and allows trafficking victims to apply for lawful permanent residency immediately after receiving a T visa.

Sec. 804. Protection and Assistance for Victims of Trafficking. This section corrects an inconsistency in the law making the federal benefits certification process consistent with T visa eligibility so that benefits are available to victims who assist in *either* the investigation *or* prosecution of crimes of trafficking in persons – they need not assist in both. In some instances, law enforcement does not prosecute cases despite victims' assistance. Thus, victims will be able to access federal resources regardless of whether law enforcement prosecutes the case. Furthermore, this section clarifies that "assistance" includes responding to and cooperating with requests for evidence and information. This section also ensures that State and local law enforcement can petition the appropriate federal authorities to permit trafficking victims to remain in the United States to assist in their cases

Sec 805. Protecting Victims of Child Abuse and Incest. This section clarifies language to ensure that children of VAWA self-petitioners abused by lawful permanent residents receive the VAWA immigration protection and lawful permanent residency along with their abused parent. It also assures that children eligible for VAWA immigration relief are not excluded from Child Status Protection Act protection. This section enhances protection for incest victims by permitting VAWA self-petitions to be filed until age 25 by individuals who qualified for VAWA relief before they were 21 but did not file a petition before that time.

Under current law, adopted foreign-born children must reside with their adoptive parents for two years to gain legal immigration status through their adoptive parents. This section allows adopted children who were battered or subjected to extreme cruelty by their adoptive parent or the adoptive parent's family member residing in the household to attain legal immigration status without having to reside for two years with the abusive adoptive family member.

Sec. 806. Definition of VAWA Self-Petitioner. This section creates a term "VAWA self-petitioner" which covers all forms of VAWA self-petitions created in VAWA 2000 including VAWA Cuban Adjustment, VAWA HRIFA and VAWA NACARA applicants.

Sec. 807. Application to Fiancées Who Do Not Marry Within 90-Day Period. This section provides that in the case of abused non-citizens who entered the country on fiancé(e) visas, failure of a VAWA self-petitioner to marry the U.S. citizen sponsor within 90 days as required by the terms of admission as a fiancé(e), will not prevent them from attaining immigration protection, provided that marriage to the batterer does occur sometime after the 90-day mark.

Sec. 808. Application in Cases of Voluntary Departure. Under current law, people who fail to comply with voluntary departure orders are barred for 10 years from receiving lawful permanent residency through adjustment of status, cancellation of removal (including VAWA cancellation), change of status, and registry. Denying lawful permanent residency to immigrant victims of domestic violence, sexual assault and trafficking undermines Congressional intent to provide immigration relief crucial to supporting crime victims cooperating with law enforcement and offering protection for battered immigrant spouses and children. This section exempts victims eligible for VAWA, T or U relief from the harsh consequences of failing to comply with voluntary departure orders as long as the extreme cruelty or battery occurred before the overstay.

Sec. 809. Removal Proceedings. This section adds domestic abuse to the list of exceptional circumstances that allow immigrants to file motions to reopen in removal proceedings. Additionally, under current law, people who reenter the U.S. after a removal order are subject to immediate removal, even if they have been abused, sexually assaulted or trafficked. This section exempts victims from the reinstatement of removal provisions, and allows them to pursue immigration relief. This section ensures that applicants for VAWA immigration relief, or the T or U visa cannot be removed from the United States unless their petition for VAWA or crime victim related immigration relief is denied.

VAWA 2000 allowed immigration judges in cancellation of removal and adjustment of status proceedings to waive ineligibility grounds for some VAWA eligible battered petitioners, who acted in self defense, violated their own protection order, or were involved in a crime that didn't result in serious bodily injury or where there was a connection between the crime and their own abuse. This section corrects drafting errors that have made these waivers procedurally unavailable to battered immigrant victims.

Sec. 810. Eliminating Abusers' Control Over Applications for Adjustment of Status.

The Violence Against Women Act enabled battered Haitian Refugee Immigration Fairness Act and Cuban Adjustment Act applicants to apply for VAWA immigration relief. In order for these applicants to access the relief, they need to file motions to reopen. However, due to a drafting oversight, the deadline for filing motions to reopen had already passed when VAWA 2000 became law. This amendment corrects the drafting and allows these battered immigrants to file motions to reopen and thereby access the relief that was created for them in VAWA- 2000.

This section also makes VAWA self-petitioners whose applications set forth a prima facie case for eligibility to be eligible for employment authorization while their VAWA self-petition is pending. Currently, VAWA self-petitioners have to wait 6 months or longer for their case to be approved before they receive work authorization. Providing employment authorization earlier in the application process gives battered immigrant self-petitioners the means to sever economic dependence on their abusers, promoting their safety and the safety of their children.

Sec. 811. Application for VAWA-Related Relief.

This amendment clarifies that certain battered spouses and children can access relief under the Nicaraguan Adjustment and Central American Relief Act that was specifically created for those groups in VAWA 2000. This amendment ensures relief even in cases where an abusive spouse or parent failed to apply to adjust the survivor's status to lawful permanent

residency by the statutory deadline or failed to follow through with applications after filing. Thus, this amendment prevents abusers from controlling their non-citizen victims by blocking their ability to successfully access the relief that was intended under VAWA 2000.

Sec 812. Self Petitioning Parents

This section expands the scope of VAWA immigration relief to include intergenerational abuse, allowing non-citizen parents who are abused by their adult U.S. citizen son or daughter to seek VAWA relief

Sec. 813. Enhanced VAWA Confidentiality Non-disclosure Protections

This section amends VAWA's confidentiality protections so that they cover range of immigrant victims eligible for the various forms of VAWA or crime victim related immigration relief including T visa victims, VAWA Cubans, VAWA HRIFAs, VAWA NACARAs and VAWA suspension applicants. This section also ensures that VAWA confidentiality rules apply to each relevant federal agency including the Department of Homeland Security and the Department of State.

Sec 814. Duration of T and U visas. This provision would authorize issuance of T and U visas for a period of not more than 4 years, with the option to extend if the authorities certify that such extension is necessary to assist in the investigation or prosecution. In addition, non-immigrants who enter on transit, crewmen, fiancé(e)s, informants, exchange students, and visa waivers who become crime victim cooperating witnesses will no longer be barred from changing to T or U status.

Sec. 815. Technical Correction to References in Application of Special Physical Presence and Good Moral Character Rules. This section corrects two technical drafting errors. First it ensures that the provisions on physical presence and on good moral character apply to all VAWA cancellation applicants. Second it corrects an incorrectly cited section so that the "good moral character" bar applies to bigamy, not unlawful presence.

Sec. 816. Petitioning Rights of Certain Former Spouses Under Cuban Adjustment.

This section would ensure that battered immigrants are still able to adjust under VAWA Cuban adjustment relief even if they are divorced from the abuser. This provision is necessary to prevent abusers from cutting their spouses off from potential immigration status adjustment by divorcing them.

Sec. 817. Self-Petitioning Rights of HRIFA Applicants. This amendment clarifies that Haitian abused applicants can access relief that was specifically created for them in VAWA 2000. Abusers could control battered immigrants by not adjusting their own status to lawful permanent residency pursuant to the Haitian Refugee Immigration Fairness Act ("HRIFA"). The abuser may not follow through with the lawful permanent residency application or fail to file an application at all. This technical correction remedies the problem to ensure that all abused spouses and children otherwise eligible for VAWA HRIFA are able to access this relief.

Sec 818: Access to VAWA Immigration Relief in Deportation or Removal Proceedings.

This section, a correction to VAWA 2000, gives domestic abuse victims the opportunity to file one motion to reopen to pursue VAWA relief, and exempts them from the special motion to reopen filing deadlines.

Sec 819: Limitations on Enforcement. This section ensures that civil immigration enforcement actions are not carried out on a non-citizen victim who is in shelter, rape crisis center, family justice center, supervised visitation center or who is at a courthouse in connection with a protection order case, a custody case or any other domestic violence, sexual assault, trafficking or stalking related criminal or civil case.

Sec 820. Protecting Immigrant Juveniles. This section assures that immigration authorities are not required to contact abusive parents or family members in connection with the abused, neglected, or abandoned juvenile's application for special immigrant juvenile status. This prevents abusive parents from keeping their children from accessing help and support in the United States.

Sec. 828. Regulations. This section states that regulations implementing this Act and the Battered Immigrant Women Protection Act of 2000 will occur within 180 days of enactment.

Title IX – Safety for Indian Women

Sec. 901 and 902. Findings and Purposes.

Sec. 903. Consultation Requirement. This section requires the Secretary of the Interior and the Attorney General to consult with and seek recommendations from tribal governments concerning the administration of tribal VAWA funds and programs.

Sec. 904. Analysis and Research of Violence Against Indian Women. This provision requests that the National Institute of Justice conduct a national baseline study to examine violence against Indian women and the effectiveness of Federal, State, local and tribal responses. It also requires the Attorney General to establish a task force to assist in the development and implementation of the study and report to Congress. Members of the study shall include tribal governments and national tribal organizations. The violence study is authorized at \$1,000,000 for fiscal years 2006 and 2007. In addition, this section requires the Secretary of Health and Human Services to conduct a study of injuries to Indian women from incidents of domestic violence, dating violence, sexual assault and stalking and the costs associated with these injuries. The injury report shall be reported to Congress and is authorized at \$500,000 for fiscal years 2006 and 2007.

Sec. 905. Tracking of Violence Against Indian Women. In cases of domestic violence, dating violence, sexual assault and stalking, the provision authorizes tribal law enforcement to access and enter information on to Federal criminal information databases (set out in 28 U.S.C. § 534). Second, it permits tribes to develop and maintain national tribal sex offender registries and tribal protection order registries. To undertake the latter, the provision authorizes \$1,000,000 for fiscal years 2006 through 2010.

Sec. 906. Deputy Director in the Office on Violence Against Women. To coordinate and guide Federal, State, local and tribal responses to violence against Indian women, this provision establishes a Deputy Director of Tribal Affairs in the Office on Violence Against Women. The Deputy Director is charged with several duties, including, but not limited to, oversight of tribal grant programs and developing federal policies and protocols on matters relating to violence against Indian women. In addition, the Deputy Director is authorized to

ensure that some portion of tribal funds distributed through VAWA programs will be devoted to enhancing tribal resources such as legal services or shelters for Indian women victimized by domestic violence or sexual assault.

Sec. 907. Enhanced Criminal Law Resources – Section 907 makes several changes to existing criminal law. Under current law persons who have been convicted of a qualifying misdemeanor crime of domestic violence under federal or state law are prohibited from possessing firearms. This amendment would expand that prohibition to those persons convicted of a qualifying misdemeanor crime of domestic violence under tribal law. Under current law, federal courts have exclusive jurisdiction over domestic violence crimes committed in Indian country where the perpetrator is a non-Indian and the victim is an Indian, and concurrent jurisdiction with the tribal courts where the perpetrator is an Indian and the victim is a non-Indian. Under this scheme, federal officers can only arrest for misdemeanors that occur in the presence of the arresting officer. Most domestic violence offenses are misdemeanors not committed in the presence of a federal officer. Accordingly, this amendment will eliminate that requirement and allow a federal arrest if there is reasonable grounds that the offense was committed. Finally, the provision creates a separate felony offense of domestic violence against a family member. It is similar to state laws which provide for felony penalties when an offender has been repeatedly convicted of assaults against a household member, and it will assist the federal government prosecute domestic violence in Indian Country.